

FILED
Court of Appeals
Division II
State of Washington
6/28/2022 4:33 PM
No. 56202-2-II

IN THE COURT OF APPEALS DIVISION II
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent

v.

DAVID BOGDANOV, Appellant

APPEAL FROM THE SUPERIOR COURT
OF CLARK COUNTY

THE HONORABLE JUDGE DAVID E. GREGERSON

SUPPLEMENTAL BRIEF OF APPELLANT

Marie J. Trombley, WSBA 41410
PO Box 829
Graham, WA
253-445-7920

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I. ASSIGNMENT OF ERRORS

A. The Trial Court Erred When It Imposed Community Custody Supervision Fees On An Indigent Defendant.

LEGAL ISSUE: Community custody supervision fees are discretionary legal financial obligations. Where the trial court intended to impose only mandatory fees and restitution, must the community supervision fees be stricken?

II. STATEMENT OF FACTS

The following facts are pertinent facts presented in the appellant's opening brief.

The court found Bogdanov indigent. CP 324-325. The court imposed the mandatory fees; it included the boilerplate obligation to pay supervision fees as determined by the DOC while on community custody. CP 326.

III. ARGUMENT

A. The Trial Court Erred When It Imposed A Discretionary Legal Financial Obligation On An Indigent Defendant.

Supervision costs of community custody are discretionary and subject to the same inquiry regarding a defendant's ability to pay as other discretionary legal financial obligations. *State v. Lundstrom*, 6 Wn. App. 388, 396 n.3, 429 P.3d 1116 (2018), *rev. denied* 193 Wn.2d 1007, 443 P.3d 800 (2019).

The trial court found Mr. Bogdanov to be indigent and waived the discretionary legal financial obligations. Consistent with this, the community custody supervision costs should be waived.

IV. CONCLUSION

Based on the foregoing facts and authorities, Mr. Bogdanov respectfully asks this Court to reverse his convictions and remand for a new trial.

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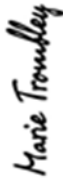
Submitted this 28th day of June 2022.

A handwritten signature in black ink, reading "Marie Trombley". The signature is written in a cursive style with a horizontal line underneath it.

Marie Trombley
WSBA 41410
PO Box 829
Graham, WA 98338

CERTIFICATE OF SERVICE

I, Marie Trombley, do hereby certify under penalty of perjury under the laws of the State of Washington, that June 28, 2022, I mailed to the following US Postal Service first class mail, the postage prepaid, or electronically served, by prior agreement between the parties, a true and correct copy of the Appellant's Supplemental Brief to the following: Clark County Prosecuting Attorney at cntypa.generaldelivery@clark.wa.gov and to David Bogdanov/DOC#429555 Coyote Ridge Corrections Center, PO Box 769, Connell, WA 99326

A handwritten signature in black ink that reads "Marie Trombley". The signature is written in a cursive, flowing style.

Marie Trombley
WSBA 41410
PO Box 829
Graham, WA 98338

MARIE TROMBLEY

June 28, 2022 - 4:33 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 56202-2
Appellate Court Case Title: State of Washington, Respondent v David Y. Bogdanov, Appellant
Superior Court Case Number: 19-1-03403-3

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Address:
PO BOX 829
GRAHAM, WA, 98338-0829
Phone: 253-445-7920

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